

# Social Services Appeal Board of Saskatchewan

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**Annual  
Report  
2009 - 2010**

# Letter of Transmittal

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Honourable June Draude  
Minister of Social Services

Dear Ms. Draude:

I hereby respectfully submit the Annual Report of the  
Social Services Appeal Board for the one year period  
ending March 31, 2010.

Pat Cooper  
Co-Chairperson

Linda Coe-Kirkham  
Co-Chairperson

## Preface

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The Annual Report, presented to the Minister of Social Services provides a description of the Social Services Appeal Board, its mandate, development and procedures, and a summary of the nature of appeals heard by the Board during the year April 1, 2009 to March 31, 2010.

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## Introduction

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The *Social Services Appeal Board* is an independent tribunal whose role is to determine if clients have been treated fairly and in accordance with the Saskatchewan Assistance Regulations.

Legal authority is provided by the *Department of Social Services Act R.S.D. 1978, Section 10*; *The Saskatchewan Assistance Act R.S.S. 1966, Section 14(1)(m)(n), 15-18*; the *Saskatchewan Assistance Regulations, Section 43*.

Appeals to the *Social Services Appeal Board* are considered the final step in a three tiered appeal process established under the regulations. The first level of appeal is to the Regional Director and any dissatisfied client may appeal to this level. Once the Regional Director has made a decision, the client has the option of continuing with the appeal should he/she be dissatisfied with the decision. Client appeals to the second level are arranged by the Regional Director and are heard by a Regional Appeal Committee. Depending on the decision of the Regional Appeal Committee, either the client or the Regional Director may choose to continue the appeal to the third and final level, the *Social Services Appeal Board*.

The decision of the provincial board is final, unless it is not in accordance with the law. Clients and the Ministry may appeal to the Court of Queen's Bench. Clients may also request an independent review by the Ombudsman who will investigate the case. The Ombudsman cannot change the decision of the board, however, he may investigate the matter and advise the board if he believes the claim to be substantiated.

**Members of the Board****2009 -2010**

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The Co-Chairpersons  
and Board Members  
are independent of the  
Ministry of Social Services.

Appointments are made by  
Minister's Order.

Gloria Edwards is the appeal  
coordinator in Regina.

Pat Rauch is the appeal  
coordinator in Saskatoon.

P. Cooper and L. Coe-Kirkham -Co-Chairpersons-
D. Bach
N. Osborne
R. Bellamy
T. Chasmar
C. Froehlich
T. Sterzer
D. Strudwick

## Location of Hearings

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Regional hearings are held by Regional Appeal Committees in the major centres in each region. Provincial hearings are held in Regina and Saskatoon, usually with a panel of four to five members. A quorum is three members.

The chairperson attends all appeal hearings and conveys in writing to clients the decisions made by the Appeal Board, usually within one week of the hearings. As part of the decision, the client is always advised of the rationale behind the board's decision.

Board members consider themselves obliged to adhere to the Saskatchewan Assistance Regulations but believe they have some flexibility in dealing with the internal policy guidelines.

The board has access to outside legal counsel and on occasion seeks advice regarding decisions.



## Chairperson's Comments

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The 2009-2010 annual report of the Social Services Appeal Board is available on-line at [www.socialservices.gov.sk.ca/09-10-ssappealboard.pdf](http://www.socialservices.gov.sk.ca/09-10-ssappealboard.pdf)

In the 2009-2010 year the board received a total of 95 provincial appeal requests. Two requests were denied and nine requests were withdrawn prior to appeal. The Appeal Board held a total of 19 meetings in Regina with the remaining 23 meetings scheduled in Saskatoon. Of the 84 provincial appeals, 58 were heard in Saskatoon and 36 were heard in Regina. A total of 383 regional appeals were heard province wide with the greater number of appeals being heard by the Southwest and Centre Regional Appeal Committees. A total of 13.8% of the regional appeal decisions made favoured the client.

The board has continued to hear an increasing amount of both complex and multi-issued appeals. Board members have committed additional time to expanding knowledge of both regulations and policy in making their decisions. The Board is appreciative of the increased opportunity to have dialogue with external resource people.

The 2009-2010 period was one of change for the Board, and the Board structure changed from a single chair to a co-chair model with an appointee in both Regina and Saskatoon starting in the 2010 calendar year. The co-chair position in Regina experienced more personnel changes in the first part of the year. There have been some significant efforts to maintain communication effectively between the two groups comprising the board. In addition, members from both centres have had the opportunity to sit on appeals in both centres. The board has been, and continues to work on keeping the process of appeal both fair and consistent regardless of location and personnel. Part of that process has been identifying board training needs with an expectation of implementing further training as needed. The work on this in the 2009-2010 year was preliminary with some significant plans for continued training in the upcoming year.



**Table 1 - Statistics**  
**Number of Regional and Provincial Appeals**  
**(2003 - 2004 to 2009 - 2010)**

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	<b>Regional</b>	<b>Provincial</b>
2003 – 2004	586	222
2004 - 2005	565	223
2005 – 2006	457	176
2006 – 2007	466	136
2007-2008	385	127
2008-2009	415	127
2009-2010	370	95

**2009 – 2010:**

- **Regional numbers do not include denied or withdrawn.**
- **Provincial numbers include 2 denied and 9 withdrawn.**

**Table 2 - Regional Appeals  
Location and Disposition 2009 - 2010  
Summary by Region**

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<b>Region</b>	<b>Decision in Favour of Client</b>	<b>Decision in Favour of Director</b>	<b>Total</b>
<b>Southwest</b>	21	111	132
<b>Southeast</b>	0	28	28
<b>Centre</b>	21	83	104
<b>Northeast</b>	7	65	72
<b>Northwest</b>	4	43	47
<b>Total</b>	<b>53</b>	<b>330</b>	<b>383</b>

**The decision favoured the client 13.8% of the time.**

**Note: Totals may not balance because one appeal may  
result in more than one decision.**

**Table 3 - Provincial Appeals**  
**Source of Provincial Appeals.**  
**2009 - 2010**

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<b>Region</b>	<b>Appealed by Client</b>	<b>Appealed by Director</b>	<b>Total</b>
<b>Southwest</b>	27	6	33
<b>Southeast</b>	8	0	8
<b>Centre</b>	13	11	24
<b>Northeast</b>	14	1	15
<b>Northwest</b>	13	2	15
<b>Total</b>	<b>74</b>	<b>20</b>	<b>95</b>

**Note:** 2 requests for appeals were denied  
9 appeals were withdrawn

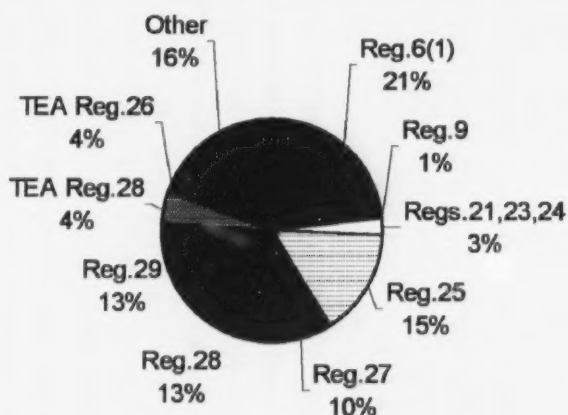
**Table 4 - Provincial Appeals  
Summary by Region  
2009 - 2010**

Region	Client Sourced Appeals		Director Sourced Appeals	
	Decision for Client	Decision Against Client	Decision for Director	Decision Against Director
Southwest	1	24	2	3
Southeast	2	4	0	0
Centre	2	11	10	1
Northeast	1	12	1	0
Northwest	1	10	1	0
Total	7	61	14	4

**The number of appeals received and the number of decisions is not equal due to denials and withdrawals.**

## Table 5 - Social Services Appeal Board Appeals by Reason 2009 - 2010

(segments represent the SAP and TEA Regulation appealed)



Reg. 6(1)	<ul style="list-style-type: none"> <li>Responsibilities of the recipient as a condition of eligibility</li> </ul>
Reg. 9	<ul style="list-style-type: none"> <li>Determining the amount of assistance</li> </ul>
Regs. 21, 23, 24	<ul style="list-style-type: none"> <li>Changes in the amount of assistance</li> </ul>
Reg. 25	<ul style="list-style-type: none"> <li>Allowance amounts: basic needs, shelter, utilities, personal, food.</li> </ul>
Reg. 27	<ul style="list-style-type: none"> <li>Special needs</li> </ul>
Reg. 28	<ul style="list-style-type: none"> <li>Financial resources and exempt income</li> </ul>
Reg. 29	<ul style="list-style-type: none"> <li>Determining financial resources</li> </ul>
TEA - Reg. 26	<ul style="list-style-type: none"> <li>Report of changes</li> </ul>
TEA - Reg. 28	<ul style="list-style-type: none"> <li>Responsibility of the recipient as a condition of eligibility</li> </ul>
Other	<p><u>Social Assistance Program</u></p> <ul style="list-style-type: none"> <li>Common-law</li> <li>Method of determining budget deficit or surplus</li> <li>Determining eligibility</li> </ul> <p><u>Transitional Employment Allowance</u></p> <ul style="list-style-type: none"> <li>Determining financial resources</li> </ul>

**Table 6 - Appeal Board Meetings  
Provincial Appeals Heard  
in Regina and Saskatoon**

**2005-2006 to 2009-2010**

	<b>Regina Meetings</b>	<b>Cases Heard</b>	<b>Saskatoon Meetings</b>	<b>Cases Heard</b>
<b>2005 – 2006</b>	29	77	27	78
<b>2006 – 2007</b>	21	56	27	66
<b>2007-2008</b>	23	53	25	59
<b>2008-2009</b>	19	44	25	68
<b>2009 – 2010</b>	19	36	23	58



## Table 7 - The Provincial Ombudsman

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Clients who are dissatisfied with the decision of the Social Services Appeal Board may also request a review by the Office of the Ombudsman. The Ombudsman cannot change the decision of the board, however, an investigation will be conducted and the board advised if the Ombudsman believes the complaint to be substantiated. In those cases the Ministry of Social Services will also be advised. The Ministry may then initiate action to bring about a satisfactory outcome for the client.

### Statistics for 2009 – 2010

Cases Opened	Cases Closed	Not Substantiated	Substantiated and Unresolved	Discontinued
3	2		1	

Cases Outstanding March 31, 2009 4

Cases Outstanding March 31, 2010 1